



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3077

COMMITTEE ON ZONING AND PLANNING

Voting Members:

Ikaika Anderson, Chair
Trevor Ozawa, Vice Chair
Carol Fukunaga
Ann H. Kobayashi
Joey Manahan

MINUTES

REGULAR MEETING
THURSDAY, FEBRUARY 11, 2016

COUNCIL COMMITTEE MEETING ROOM
2ND FLOOR, HONOLULU HALE
HONOLULU, HAWAII 96813

Note: A copy of the video of the full proceedings of this meeting may be requested by calling the City Clerk's Office at 768-5822.

CALL TO ORDER

The regular meeting of the Committee on Zoning and Planning was called to order by Committee Chair Ikaika Anderson at 9:17 a.m. Voting Members Fukunaga, Kobayashi, Manahan and Ozawa were present at the meeting.

STAFF PRESENT

Gail Myers, Senior Aide to Committee Chair Anderson
Lori Hiraoka, Attorney, Office of Council Services
Dean Minakami, Analyst, Office of Council Services
Richard Lewallen, Deputy Corporation Counsel, Department of the Corporation Counsel,
substituting for the deputy assigned to the Committee
Gail Murayama, Council Committee Aide, Office of the City Clerk

ORDER OF BUSINESS

APPROVAL OF MINUTES

The minutes of the Committee on Zoning and Planning meeting of January 14, 2016 were approved as circulated.

AYES: FUKUNAGA, KOBAYASHI, MANAHAN, OZAWA, ANDERSON – 5.
NOES: None.

FOR ACTION

1. RESOLUTION 15-249 – COMMITTEE REPORT 52

NEW EDITIONS OF THE INTERNATIONAL BUILDING CODE. Urging the State Building Code Council to adopt new editions of the International Building Code (IBC) on a timelier basis and requesting the Department of Planning and Permitting to expedite its review of IBC updates and its presentation to the Council with appropriate amendments.

The following amendment was posted on the agenda:

PROPOSED CD1 TO RESOLUTION 15-249 (Submitted by Council Chair Martin)
– The CD1 (OCS2015-1001/10/23/2015 2:29 PM) makes the following amendments:

- A. Amends the title of the resolution by adding “THE INTERNATIONAL RESIDENTIAL CODE, THE STATE FIRE CODE, THE UNIFORM PLUMBING CODE, THE NATIONAL ELECTRICAL CODE, AND OTHER CODES AND STANDARDS IDENTIFIED IN HRS SECTION 107-25” after “INTERNATIONAL BUILDING CODE.”
- B. Amends the 6th WHEREAS paragraph by replacing “Act 82, Session Laws of Hawaii 2007” with “HRS Sec. 107-24” and replacing “a comprehensive building code for the State of Hawaii” with “the Hawaii state building codes.
- C. Adds a new 7th WHEREAS paragraph to read as follows:

WHEREAS, HRS Sec. 107-25 provides that the Hawaii state building codes shall be based on the State Fire Code, the Uniform Plumbing Code, the International Building Code, the International Residential Code, the National Electrical Code, and other codes and standards identified therein; and

- D. Amends the final WHEREAS paragraph by replacing “the State Building Code” with “the codes and standards identified in HRS Sec. 107-25.”

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- E. Amends the 1st RESOLVED paragraph by adding “the International Residential Code, the State Fire Code, the Uniform Plumbing Code, the National Electrical Code, and other codes and standards identified in HRS Section 107-25” after “International Building Code.”
- F. Amends the 2nd RESOLVED paragraph by deleting “IBC updates” and replacing it with “updates to the model codes and standards identified in HRS Sec. 107-25.”
- G. Amends the 3rd RESOLVED paragraph by deleting “new editions of the IBC” and replacing it with “applicable model code or standard” and deleting “IBC” and replacing it with “respective model code or standard.”
- H. Makes non-substantive technical amendments to the bill.

Administration/Others

George Atta, Director, Department of Planning and Permitting (DPP)
Arthur Challacombe, Deputy Director, DPP
Assistant Chief Socrates Bratakos, Honolulu Fire Department (HFD)

Director Atta testified in support of the Resolution and the proposed CD1. The Director stated that the DPP has been working on all of the updates and has completed the updates for both the Plumbing Code and the Electrical Code. The Housing Code and the Building Codes should be completed within the first quarter of 2016.

Assistant Chief Bratakos also testified in support of the Resolution. The Assistant Chief noted that the HFD has adopted the 2012 Fire Code and is currently working on the 2015 Code.

The following individual testified in support and provided comments:

Arvid Youngquist

Committee Chair Anderson recommended that the Resolution be amended to the Council Chair's proposed CD1.

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Resolution 15-249 amended to CD1 (OCS2015-1001/10/23/2015 2:29 PM) and reported out for adoption.

AYES: FUKUNAGA, KOBAYASHI, MANAHAN, OZAWA, ANDERSON – 5.
NOES: None.

Committee Chair Anderson took Items 2 and 3 up together.

2. BILL 5 (2016)

BED AND BREAKFAST HOMES. Providing one-time relief to those owners of bed and breakfast homes who lost their NUCs after September 30, 2012, solely for failing to apply for renewal.

3. BILL 6 (2016) – COMMITTEE REPORT 51

NONCONFORMING USE CERTIFICATES. Providing one-time relief to those owners of bed and breakfast homes and transient vacation units who lost their NUCs after September 30, 2014, solely for failing to apply for renewal through the newly automated system.

Administration/Others

Arthur Challacombe, Deputy Director, Department of Planning and Permitting (DPP)

Deputy Director Challacombe testified in support of both Bill 5 and Bill 6. He noted that the failure to apply for renewal on time has been a longstanding problem for many NUC holders. He further noted that, in many cases, owners have understandable and legitimate reasons for missing the deadline; however, the Land Use Ordinance does not allow the Department to issue renewals once the deadline has passed.

Deputy Director Challacombe stated that the DPP will be requesting, in subsequent legislation, that the Department be given the authority to issue renewals after the deadline if a reasonable explanation is given by the NUC holder.

In response to a question by Committee Chair Anderson, the Deputy Director stated that Bill 6 would provide the one-time relief to both bed and breakfast home and transient vacation unit NUC holders while Bill 5 only provides relief only to bed and breakfast homes.

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The following individuals testified:

1. Ross Yamasaki, Kaneohe Bay BNB (support) (M-286)
2. Arvid Youngquist (oppose)

In response to Committee Chair Anderson's question regarding fines for tardiness, Deputy Director Challacombe stated that the DPP would be requesting that a late fee of \$1000 be imposed in addition to the \$1000 renewal fee whenever renewals are issued after the deadline.

Committee Chair Anderson recommended that action on Bill 5 be deferred, and that the Committee, instead, move Bill 6 forward to the full Council. He noted that Council Chair Martin, who originally introduced Bill 5, is agreeable to the recommendation.

Action on Bill 5 (2016) deferred.

AYES: FUKUNAGA, KOBAYASHI, MANAHAN, OZAWA, ANDERSON – 5.
NOES: None.

Bill 6 (2016) reported out for passage on second reading and scheduling of a public hearing.

AYES: FUKUNAGA, KOBAYASHI, MANAHAN, OZAWA, ANDERSON – 5.
NOES: None.

Related communications:

D-27 Planning Commission, transmitting the report of the Director of the Department of Planning and Permitting (DPP), the Council-initiated bill and the DPP's version of the draft bill.
M-286 Kaneohe Bay BNB (support)

4. BILL 3 (2016) – COMMITTEE REPORT 50

BUILDING CODE. Amending Chapter 16 ("Building Code") of the Revised Ordinances of Honolulu 1990, with respect to construction barriers.

Administration/Others

George Atta, Director, Department of Planning and Permitting (DPP)

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Committee Chair Anderson stated that Bill 3 was introduced to provide additional safety measures by requiring viewing panels on construction barriers.

Director Atta voiced some concerns with the bill, noting that clear panels may compromise site security and may endanger public safety in the event of certain construction activities, such as welding. The Director also noted that construction barriers do not require building permits and, as such, the requirement for viewing panels would only be enforced after the fact.

The following individuals testified:

1. Sean Newcamp, Hawaii Regional Council of Carpenters (support) (M-288)
2. Arvid Youngquist (support)

Committee Chair Anderson stated that Bill 3 is based on a current law in effect in New York City and requested that the DPP provide amendments that would alleviate the Department's concerns.

Bill 3 (2016) reported out for passage on second reading and scheduling of a public hearing.

AYES: FUKUNAGA, KOBAYASHI, MANAHAN, OZAWA, ANDERSON – 5.
NOES: None.

Related communications:

M-287 Tyler Dos Santos-Tam, Hawaii Construction Alliance (support)
M-288 Hawaii Regional Council of Carpenters (support)
M-289 Brooke Wilson, The Pacific Resource Partnership (support)

5. BILL 79 (2015)

LUO AMENDMENT RELATING TO THE LAND USE ORDINANCE. Making miscellaneous amendments to the Land Use Ordinance. (Current deadline for Council action: 6/14/16)

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The following amendment was posted on the agenda:

PROPOSED CD1 TO BILL 79 (2015) (Submitted by Councilmember Anderson) –
The CD1 (OCS2016-0006/1/8/2016 4:34 PM) makes the following amendments:

- A. Removes references to bicycle parking requirements in the amendments to ROH Section 21-5.390 regarding joint facility parking.
- B. Removes Table 21-9.6(C) ("Waikiki Special District Project Classification") because no amendments were made to this table.
- C. Removes revisions to the definitions of "corporate retreat" and "transient vacation unit."
- D. Corrects drafting and format errors, and makes various technical amendments for purposes of grammar, clarity and style.

Administration/Others

George Atta, Director, Department of Planning and Permitting (DPP)
Malyne Simeon, Staff Planner, Zoning Regulation and Permits Branch,
DPP
James Peirson, Chief Planner, Land User Permits Division, DPP

Ms. Simeon summarized the proposed changes to the Land Use Ordinance (LUO) included in Bill 79. Director Atta commented that the majority of the amendments are minor, editorial and housekeeping changes to the LUO.

Discussion ensued regarding a change to the Waikiki Special District Project Classification map. Committee Chair Anderson requested that DPP and Council staff work together to clarify the necessary changes.

In response to Committee Member Fukunaga's question regarding public input for Interim planned development – transit (IPD-T) projects, Chief Planner Peirson stated that there would be ample opportunities for public input in such projects.

Committee Chair Anderson stated that his recommendation is to defer action on Bill 79 to allow Councilmembers to review the proposed changes. Director Atta agreed to the Committee Chair's recommendation.

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The following individual provided comments:

Arvid Youngquist

Action on Bill 79 (2015) deferred.

AYES: FUKUNAGA, KOBAYASHI, MANAHAN, ANDERSON – 4.
NOES: None.
EXCUSED: OZAWA – 1.

Related communications:

D-778/15 Planning Commission, transmitting the report of the Director of the Department of Planning and Permitting and draft bill.
M-290 Kamana'opono Crabbe, Chief Executive Officer, Office of Hawaiian Affairs (comments)

INFORMATIONAL BRIEFING

6. UPDATE BY THE DEPARTMENT OF PLANNING AND PERMITTING ON THE DEPARTMENT'S ADDITIONAL BUDGETARY REQUIREMENTS FOR INSPECTORS FOR SHORT TERM RENTALS.

Administration/Others

George Atta, Director, Department of Planning and Permitting (DPP)
Arthur Challacombe, Deputy Director, DPP
Wallace Carvalho, Program Administrator, Customer Services Office, DPP

The following information was provided by the DPP:

- Prior the additional funding provided by the Council in the current year's budget, the Department had thirteen Housing and Zoning Code inspectors.
- With the Council's additional funding, the Department hired five additional inspectors – two full-time and three part-time – to assist with enforcement of short-term rentals. The additional inspectors are former departmental employees hired on contract.
- In the future, the Department would like to hire four permanent inspectors.

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- The Department is requesting that funding for the future hires be included in the Administration's budget.
- The contract inspectors began fieldwork on January 25, 2016. To date, the inspectors have already issued twelve violations for illegal transient vacation rentals (TVUs). In all of 2015, the Department issued 37 violations.
- Inspections are conducted at all hours.
- Currently, most inspections are complaint-driven; however, the Department has begun to check online activity for possible infractions.
- Violators are currently given thirty days to comply with a Notice of Violation (NOV). If the owner does not comply with an NOV, a Notice of Order (NOO) is issued and daily fines begin.
- If an illegal TVU operator was previously issued an NOV, an NOO is automatically issued.
- The fees collected are deposited into the General Fund.
- The law requires that rental contracts be a minimum of thirty days. The law does not allow, and should not be interpreted to allow, one short-term rental per thirty-day period.

The following individuals provided comments:

1. Mark Caspers
2. Megan Arita
3. Rob Burns
4. Steve Connell
5. Tonic Bille
6. Delores Sandvold
7. Seton Sun
8. Will Page

In response to Committee Chair Anderson's question regarding the Department's goal, Director Atta stated that the Department is tasked with enforcing the laws as they currently stand.

In response to Committee Member Fukunaga's suggestion that the DPP clarify the thirty-day rental requirement, Director Atta stated that, while the Department feels

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that the ROH provision is clear, the Department is amenable to placing additional clarification on the DPP website.

In response to Committee Chair Anderson's suggestion that the current number of nonconforming use certificates issued be made available on the DPP website, Deputy Director Challacombe responded in the affirmative.

7. UPDATE BY THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND PERMITTING ON THE STATUS OF BUILDING PERMIT PROCESSING.

Administration/Others

George Atta, Director, Department of Planning and Permitting (DPP)

Arthur Challacombe, Deputy Director, DPP

Wallace Carvalho, Program Administrator, Customer Services Office, DPP

There was no public testimony.

Director Atta testified that there has been no changes since the Committee's discussion in January. He noted that the Department continues to work on having more permits available online and to speed up the number of permits that can be self-issued.

Administrator Carvalho testified that the DPP currently takes approximately twelve to fifteen days to review a residential permit and fifty-eight days to review commercial permits. Approximately 1700 permits are issued per month.

Director Atta reiterated that the Department's goal is to reduce average processing time by 10% per year.

Deputy Director Challacombe added that the DPP continues to streamline the permitting process and is poised to introduce a new one-time review that should greatly reduce the processing time. The Department is also looking to simplify the processing needed for repair permits for single-family homes.

The Deputy Director noted that accessory dwelling unit (ADU) permits would fall under the one-time review requirement, and would, under a requested proposal, receive waivers for building and grading permit fees for a period of time.

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In response to a question from Committee Member Kobayashi, Deputy Director Challacombe stated that the Department is currently reviewing 350 ADU pre-check forms and approximately twenty-nine applications. Two ADU permits have already been issued.

The Committee Chair requested that the discussion continue in the future.

8. UPDATE BY THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND PERMITTING REGARDING THE STATUS OF ALL PENDING LAND USE ORDINANCE (LUO) AMENDMENTS AND DEVELOPMENT PLAN AND SUSTAINABLE COMMUNITIES PLAN REVISION BILLS.

Administration/Others

George Atta, Director, Department of Planning and Permitting (DPP)
Kathy Sokugawa, Chief Planner, Planning Division, DPP

There was no public testimony.

Director Atta provided the Committee with the Department's update. The Director noted that the DPP is close to issuing the second public review draft of the General Plan.

In response to the Committee Chair's inquiry regarding the Koolaupoko timeline, Chief Planner Sokugawa stated that the current timeline for Koolaupoko should have the plan going to the Planning Commission in March, with a hearing planned for some time in May, and subsequently forwarded to the Council in June.

Related communication:

D-78 Department of Planning and Permitting, transmitting
DEVELOPMENT PLAN UPDATED SCHEDULE and STATUS OF
LUO AMENDMENTS SENT TO DPP VIA CITY COUNCIL
RESOLUTIONS.

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ADJOURNMENT

There being no further business, the meeting was adjourned at 11:17 a.m.

Respectfully submitted,


GLEN I. TAKAHASHI
City Clerk

gym

DATE APPROVED

March 3, 2016